

# **Town Board Minutes**

## **Meeting No. 31**

### ***Regular Meeting***

**November 6, 2000**

## ***Town Board Minutes***

November 6, 2000

Meeting No. 31

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 6<sup>th</sup> day of November 2000 at 8:00 P.M. and there were

**PRESENT:** MARK MONTOUR, COUNCIL MEMBER  
GEORGETTE PELLETTERIE, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** RICHARD ZARBO, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
THOMAS FOWLER, CHIEF OF POLICE  
CHRISTINE FUSCO, ASSESSOR  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

### **EXECUTIVE SESSION:**

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY CARRIED, the Town Board voted at 9:46 P.M. to deliberate in Executive Session for the announced purpose of hearing a report from the Investigating Committee about the recent shooting of two dogs by the Lancaster Police Department.

At 10:30 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

### **PERSONS ADDRESSING TOWN BOARD:**

**Ott, Jack**, 5599 William Street, spoke to the Town Board on the following matters:

- Concerns about the speed limit of 55 MPH on William Street between Bowen and Schwartz Roads. Asks that the Town considers a reduction of speed limit.
- Concerns about hunting and safety of residents.

**Beutler, Daniel**, 26 Tyler Street, spoke to the Town Board on the following matter:

- Comments/concerns about Uniland Project.

**Brett, James**, 659 Harris Hill Road, spoke to the Town Board on the following matters:

- Comments/concerns about Uniland. Suggests that the Lancaster IDA uses some leverage with Uniland.
- Comments about tax base increase.
- Comments about IDA exemptions.

**Gull, Henry**, 710 Pavement Road, spoke to the Town Board on the following matter:

- Comments/concerns about diesel engines which run at the Tops Distribution Center and the fumes produced by the diesel engines. Asks the Town to require that the engines are shut down.

**Hammer, Fred**, 240 Ransom Road, spoke to the Town Board on the following matters:

- Comments regarding the budget.
- Questioned the Town Board on the moratorium.
- Comments about lot sizes, medians and cul-de-sacs.

**Kubicki, Gloria**, 15 Maple Drive, spoke to the Town Board on the following matter:

- Question regarding the sale of Town owned water line to Bella Vista, Inc.

**Salvatore, Lou**, 15 Parkdale Drive, spoke to the Town Board on the following matters:

- Asked how long Ferry Builders must wait before they can resubmit their request for a rezone of the property in the Glendale/Parkdale Drive area.
- Asked how he could obtain a copy of the Town Budget.
- Comments regarding the law which prohibits diesel engines from running more than five (5) minutes.

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**RESOLVED**, that the minutes from the Regular Meeting of the Town Board  
held on October 16, 2000 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY SUPERVISOR GIZA, WHO MOVED ITS  
 ADOPTION, SECONDED BY COUNCIL MEMBER  
 MONTOUR, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has considered and reviewed the 2001 budget estimates and assessment roll for Special Districts spreading the costs on a benefit basis, and

**WHEREAS**, a public hearing on said 2001 Special District Budget estimates and assessment roll was held by the Town Board of the Town of Lancaster on October 16, 2000,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the 2001 budget estimates and assessment roll for Special Districts, spreading costs on a benefit basis, as filed with the Town Clerk on September 15, 2000 and as amended and revised and hereinafter set forth, be and is hereby adopted as the Final 2001 Budget for Special Districts for the Town of Lancaster for the fiscal year beginning on January 1, 2001 and ending December 31, 2001, and that such Budget, as adopted, be entered in detail in the minutes of the proceedings of this Town Board:

	APPROPRIATIONS	ESTIMATED REVENUES	APPROPRIATED FUND BALANCE	APPROPRIATED DEBT SERVICE RESERVE	AMOUNT TO BE RAISED BY TAXATION
Refuse District	\$1,657,072	70,000	----	----	1,587,072
Lighting Districts	280,097	8,000	12,000	----	260,097
Fire Protection District	2,124,099	124,500	----	----	1,999,599
Sewer Districts	156,731	----	----	----	156,731
Water Districts	<u>173,794</u>	<u>6,000</u>	<u>15,000</u>	<u>28,000</u>	<u>124,794</u>
<b>Totals</b>	<b>4,391,793</b>	<b>208,500</b>	<b>27,000</b>	<b>28,000</b>	<b>4,128,293</b>

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

File: RBUDGETS (9)

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY SUPERVISOR GIZA, WHO MOVED ITS  
 ADOPTION, SECONDED BY COUNCIL  
 MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has reviewed the 2001 Preliminary Town Budget, and

**WHEREAS**, Public Hearings on said 2001 Preliminary Town Budget were held by the Town Board of the Town of Lancaster on October 16, 2000,

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

**Section 1.** That the 2001 Preliminary Budget as amended and revised and as hereinafter set forth be and is hereby adopted as the 2001 Final Budget of the Town of Lancaster for the fiscal year beginning on January 1, 2001 and ending December 31, 2001, and that such Budget, as adopted, be entered in detail in the minutes of the proceedings of this Town Board:

	APPROPRIATIONS	ESTIMATED REVENUES	APPROPRIATED FUND BALANCE	APPROPRIATED DEBT SERVICE RESERVE	AMOUNT TO BE RAISED BY TAXATION
General Fund	\$5,633,583	1,613,016	405,000	50,000	\$3,565,567
General Fund - Town Outside Villages	3,913,376	2,722,600	300,000	-----	890,776
Highway Funds					
Townwide Highway	74,907	4,600	25,000	-----	45,307
Part Town Highway	<u>2,061,172</u>	<u>247,600</u>	<u>140,000</u>	<u>3,000</u>	<u>1,670,572</u>
<b>Totals</b>	<b>\$11,683,038</b>	<b><u>\$4,587,816</u></b>	<b><u>\$870,000</u></b>	<b><u>\$53,000</u></b>	<b><u>\$6,172,222</u></b>

**Section 2.** That the Town Clerk of the Town of Lancaster prepare and certify in duplicate copies of said Annual 2001 Budget, as adopted by the Town Board, together with the assessment rolls for benefit improvements, if any, adopted pursuant to Section 202-A of the Town Law and deliver one (1) copy thereof to the Supervisor.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED NO
COUNCIL MEMBER PELLETTERIE	VOTED NO
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

File: Rbudgets (P7)

**TOWN OF LANCASTER**

**NOTICE OF ADOPTION OF**  
**2001 BUDGET OF THE**  
**TOWN OF LANCASTER**

**NOTICE TO THE CITIZENS OF THE TOWN OF LANCASTER**

**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Lancaster has adopted the 2001 Budget of the Town of Lancaster, which includes a summary of the entire proposed 2001 Budget of the Town of Lancaster, and that said Budget is on file with the Town Clerk, 21 Central Avenue, Lancaster, New York, and available for public inspection from 9:00 A.M. to 5:00 P.M., on Monday through Friday.

TOWN OF LANCASTER

JOHANNA M. COLEMAN  
Town Clerk

November 6, 2000

File: RBUDGETS (P8)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER PELLETTERIE, TO WIT:

**WHEREAS**, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Initiative-Social Work Counselor Program** within the geographic area of the Town of Lancaster for the period of January 1, 2001 through December 31, 2001, and

**WHEREAS**, the Town Board has authorized such joint program for the period commencing July 1, 2000 and ending June 30, 2001, with the Lancaster Central School District, and

**WHEREAS**, it is in the public interest that the Town of Lancaster see to the continuation of this worthwhile program inasmuch as the other participant in the program, the Lancaster Central School District, has so indicated its intention to continue the program beyond the current fiscal year, and

**WHEREAS**, a proposed budget for the Youth Initiative-Social Work Counselor Program has been submitted for the period January 1, 2001 through December 31, 2001, in the sum of \$37,355, subject to approval by the Town Board,

**NOW, THEREFORE, BE IT**

**RESOLVED**, That the renewal application to the New York State Office of Youth and Family Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

File: Rstate.yth (P3)



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Bureau Program** within the geographic area of the Town of Lancaster for the period of January 1, 2001 through December 31, 2001, and

**WHEREAS**, the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Bureau Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program, and

**WHEREAS**, a proposed budget for the Youth Bureau Program has been submitted for the period January 1, 2001 through December 31, 2001, in the sum of \$153,098, subject to approval by the Town Board,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that submitting a renewal application to the New York State Office of Children and Family Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

File: Rstate.yth (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER PELLETTERIE, TO WIT:

**WHEREAS**, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Service Program** within the geographic area of the Town of Lancaster for the period of January 1, 2001 through December 31, 2001, and

**WHEREAS**, the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Service Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program, and

**WHEREAS**, a proposed budget for the Youth Service Program has been submitted for the period January 1, 2001 through December 31, 2001, in the sum of \$166,080, subject to approval by the Town Board.

**NOW, THEREFORE, BE IT**

**RESOLVED:**

That submitting a renewal application to the New York State Office of Children and Family Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

File: Rstate.yth (P5)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town of Lancaster has previously received a grant for a pilot program entitled "Youth Court and Communication Sanction Program" being coordinated by the New York State Division of Criminal Justice System, and

**WHEREAS**, the State of New York Division of Criminal Justice Services has advised that the grant will be extended until March 31, 2001 for the amount of \$7, 950, and

**WHEREAS**, the grant funds are being used to offer first offender programs now being offered by the Youth Bureau, and

**WHEREAS**, the Town Board desires to accept the extension of the grant for the Youth Court and Community Sanction Program;

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute any documents necessary to obtain these grant funds.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

File: rstate.yth (P11)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated October 24, 2000, has recommended the appointment of Jennifer Candino, 209 Argus Drive, Depew, New York 14043, to the permanent, full time position of Youth Counselor with the Youth Bureau of the Town of Lancaster,

**NOW, THEREFORE, BE IT,**

**RESOLVED**, as follows:

1. That Jennifer Candino, 209 Argus Drive, Depew, New York, 14043, be and is hereby appointed to the civil service position of Youth Counselor, full time, permanent in the Youth Bureau of the Town of Lancaster, effective November 8, 2000.
2. That the salary for this position is \$35,126, based on the salary schedule in the CSEA White Collar Agreement with the Town of Lancaster for the year 2000, and based on the fact that she has worked for the Youth Bureau for the past three years.
3. That this position is on a permanent basis.
4. That the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

file: Rpers\Rpers.civ (P8)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the County of Erie has installed the traffic signal at the intersection of County highways, Bowen Road and William Street, with the cost of installation of same together with operation and maintenance being paid for by the Town of Lancaster, and

**WHEREAS**, the County has now submitted a permit application to the Town of Lancaster for the installation and operation of this signal which permit contains conditions regarding the installation and maintenance on the part of the Town which conditions are promulgated and required by the County as a part of the issuance of the permit for the signal on these County roads;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute the beforementioned permit application with conditions as set forth therein with the acceptance of these conditions by the Town supporting the County's issuance of the permit for the signalization which was carried out at this intersection.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

File: rbwnwm.n00

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, §467 of the Real Property Tax Law of the State of New York permits the Town to grant a partial exemption from real property taxation for persons sixty-five (65) years of age or over, on a graduated scale based upon the income, and

**WHEREAS**, the State Legislature by passage of Chapter 198 of the Laws of 2000 has provided by legislation a new sliding scale which will grant further relief to those owners meeting the eligibility criteria, and

**WHEREAS**, the effect of the increase in income eligibility will not place any undue burden on the taxpaying public, but will materially improve the economic ability of our senior citizens to cope with the ravages of inflation while living on a fixed income, and

**WHEREAS**, the Town Board deems it in the public interest to adopt the new graduated scale;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Section 467 of the Real Property Tax Law of the State of New York, a Public Hearing on the enactment by resolution of a senior citizens tax exemption will be held on the 20th day of November at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, and that a Notice of the time and place of such hearing shall be published in the Lancaster Bee, the Official Newspaper, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

File: rsenexp.n00

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER**

**NOTICE IS HEREBY GIVEN**, that pursuant to Section 467 of the Real Property Tax Law and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 6th day of November, 2000 said Town Board will hold a Public Hearing on the 20th day of November, 2000, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, upon the resolution authorizing a partial exemption from real property taxation for persons sixty-five (65) years of age or over, on a graduated scale based upon the income, as follows:

**SENIOR CITIZENS TAX EXEMPTION**

<b>1.    <u>ANNUAL INCOME</u></b>	<b><u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u></b>
Less than \$20,500.	50 per centum
More than \$20,500. but Less than \$21,500.	45 per centum
More than \$21,500. but Less than \$22,500.	40 per centum
More than \$22,500. but Less than \$23,500.	35 per centum
More than \$23,500. but Less than \$24,400.	30 per centum
More than \$24,400. but Less than \$25,300.	25 per centum
More than \$25,300. but Less than \$26,200.	20 per centum
More than \$26,200. but Less than \$27,100.	15 per centum
More than \$27,100. but Less than \$28,000.	10 per centum
More than \$28,000. but Less than \$28,900.	5 per centum

2. The partial exemption being provided for herein shall be subject to the provisions of Section 467 of the Real Property Tax Law, and any other law or statute applicable thereto.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

November 6, 2000

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER PELLETTERIE, TO WIT:

**WHEREAS**, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Recreation Program** within the geographic area of the Town of Lancaster for the period of January 1, 2001 through December 31, 2001, and

**WHEREAS**, the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Recreation Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program, and

**WHEREAS**, a proposed budget for the Youth Recreation Program has been submitted for the period January 1, 2001 through December 31, 2001, in the sum of \$750,707 subject to approval by the Town Board,

**NOW, THEREFORE, BE IT**

**RESOLVED:**

That submitting a renewal application to the New York State Office of Children and Youth Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

File: File: RSTATE.YTH (P2)



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, an inquiry has been made by a private property owner, Bella Vista Group, Inc., regarding the Town conveying a town-owned water line to the beforementioned owner, said line paralleling a private road known as Pasquale Drive which runs easterly from Transit Road and dead ending, the dedication of such line to the Town having occurred in 1972 in anticipation ultimately of the private road, Pasquale Drive, being dedicated to the Town, and

**WHEREAS**, owner retained the private road without dedication to the Town, and

**WHEREAS**, the Town presently has the obligation to repair and maintain this water line which is subject to the Lease/Management Agreement between the Town and the Erie County Water Authority, and

**WHEREAS**, the Town Board after due review and consideration deems it in the public interest to convey this water line in its "as is" condition to the beforementioned property owner which will eliminate the town's repair and maintenance obligation;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Supervisor of the Town of Lancaster is hereby authorized to execute a Bill of Sale of the beforementioned water line to the property owner, Bella Vista Group, Inc., for One and no more dollars consideration, which conveyance will relieve the Town of any future repair and maintenance of this water line which is not within a public right of way.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

File: rwtrline.noo

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS, Nextell Partners, Inc. ,** as a contract lessee, 3500 Winton Place, Rochester, New York, has submitted an application for a Special Use Permit for a communication tower to be situated on property located at 6495 Transit Road, Lancaster, New York , in accordance with Chapter 50-41.6 of the Zoning Code of the Town of Lancaster, and

**NOW, THEREFORE, BE IT**

**RESOLVED,** that pursuant to Chapter 50, Section 50-41.1 et seq. entitled "Communication Towers" of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for a communication tower on premises locally known as 6495 Transit Road, Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York on the 20th day of November, 2000 at 8:40 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published in the Lancaster Bee a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

File:rsuph.noo

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER  
SPECIAL USE PERMIT - NEXTEL**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Section 50-41.8 of the Zoning Code of the Town of Lancaster and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 6th day of November, 2000, the Town Board will hold a Public Hearing on the 20th day of November, 2000 at 8:40 o'clock P.M., Local Time, at the Town Hall , 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Nextel Partners, Inc., for a Special Use Permit, for a communication tower on premises locally known as 6495 Transit Road, in the Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

By: JOHANNA M. COLEMAN  
Town Clerk

November 6, 2000

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore adopted by resolution Local Law No. 3 of the Year 1998, to provide for exemption from taxation for qualifying eligible disabled property owners pursuant to Real Property Tax Law (RPTL) 459-c, and

**WHEREAS**, the State Legislature by passage of Chapter 198 of the Laws of 2000, has provided by legislation a new graduated scale which will grant further relief to those owners meeting the eligibility criteria, and

**WHEREAS**, the Town Board, after due review and consideration deems it to be in the public interest to adopt the state authorized amended exemption schedule for eligible disabled property owners which shall read as follows:

**TAX EXEMPTION  
FOR  
QUALIFYING ELIGIBLE DISABLED PROPERTY OWNERS**

A. Real property owned by one or more persons with disabilities, or real property owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxation by the Town of Lancaster as provided in the following schedule:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u>
Not More than \$20,500	50 per centum
More than \$20,500. But Less than \$21,500.00	45 per centum
More than \$21,500. But Less than \$22,500.00	40 per centum
More than \$22,500. But Less than \$23,500.00	35 per centum
More than \$23,500. But Less than \$24,400.00	30 per centum
More than \$24,400. But Less than \$25,300.00	25 per centum
More than \$25,300. But Less than \$26,200.00	20 per centum
More than \$26,200. But Less than \$27,100.00	15 per centum
More than \$27,100. But Less than \$28,000.00	10 per centum
More than \$28,000. But Less than \$28,900.00	5 per centum

B. "Sibling" shall mean a brother or sister, whether related through half blood, whole blood or adoption;

"Person with a Disability" is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, and who:

- (i) Is certified to receive social security disability insurance (SSDI) or supplemental security income (SSI) benefits under the federal Social Security Act, or

- ( ii ) Is certified to receive Railroad Retirement Disability benefits under the Federal Railroad Retirement Act, or
- ( iii ) Has received a certificate from the state commission for the blind and visually handicapped stating that such person is legally blind.

An award letter from the Social Security Administration or the Railroad Retirement Board or a certificate from the state commission for the blind and visually handicapped shall be submitted as proof of disability.

- C. Any exemption provided by this section shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided, however, that no parcel may receive an exemption for the same municipal tax purposes pursuant to both §459-c and §467 RPTL.

- D. No exemption shall be granted:

- 1. If the income of the owner or the combined income of the owner for the income tax year immediately preceding the date of making application for exemption exceeds the sum of Eighteen Thousand Five Hundred (\$18,500) dollars, adopted pursuant to §459-c RPTL.

Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year.

Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum.

Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance, if the Town Board, after a public hearing, adopts a local law, ordinance or resolution providing therefore.

In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income;

- 2. Unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by §459-c RPTL.

3. Unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in §2801 of the Public Health Law, provided that any income accruing to that person shall be considered for purposes of this section only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility.
- E. Application for such exemption must be made annually by the owner, or all of the owners of the property on forms prescribed by the state board, and shall be filed in such Assessor's office on or before the appropriate taxable status date; provided, however, proof of permanent disability need be submitted only in the year exemption, pursuant to §459-c RPTL, is first sought or the disability is first determined to be permanent.
- F. At least sixty (60) days prior to the appropriate taxable status date, the assessor shall mail to each person who was granted exemption pursuant to §459-c RPTL on the latest completed assessment roll, an application form and a Notice that such application must be filed on or before taxable status date and be approved in order for the exemption to continue to be granted. Failure to mail such application form or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.
- G. Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to §459-c (1) RPTL, were such person or persons the owner or owners of such real property.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Sections 467 and 459-c of the Real Property Tax Law of the State of New York, a Public Hearing on the enactment of a tax exemption for qualifying eligible disabled property owners will be held on the 20th day of November, 2000 at 8:50 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, and that a Notice of the time and place of such hearing shall be published in the Lancaster Bee, the Official Newspaper, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000



**PUBLIC HEARING  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 6th day of November, 2000, the said Town Board will hold a Public Hearing on the 20th day of November, 2000, at 8:50 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon exemption from taxation by the Town of Lancaster on real property owned by one or more persons with disabilities, or real property owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, as provided in the following schedule:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u>
Not More than \$20,500	50 per centum
More than \$20,500. But Less than \$21,500.00	45 per centum
More than 21,500. But Less than 22, 500.	40 per centum
More than \$22,500. But Less than \$23,500.00	35 per centum
More than \$23,500. But Less than \$24,400.00	30 per centum
More than \$24,400. But Less than \$25,300.00	25 per centum
More than \$25,300. But Less than \$26,200.00	20 per centum
More than \$26,200. But Less than \$27,100.00	15 per centum
More than \$27,100. But Less than \$28,000.00	10 per centum
More than \$28,000. But Less than \$28,900.00	5 per centum

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**  
Town Clerk

November 6, 2000

**PREFILED RESOLUTION NO. 15 - MEETING OF 11/6/2000**

Montour/ \_\_\_\_\_ Authorize Dumping Permit Timothy Langiewicz

At the request of Council Member Montour, this resolution was withdrawn for further study.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, Anthony Batog, 540 Ransom Road, Lancaster, New York has applied for renewal of a Dumping Permit for property situated 540 Ransom Road, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

**WHEREAS**, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

**WHEREAS**, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Anthony Batog, 540 Ransom Road, Lancaster, New York be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant at 540 Ransom Road, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and,

**BE IT FURTHER**

**RESOLVED**, that **this permit is conditioned** in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of hard clay, stones, or broken concrete. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. The applicant should also be aware that if he intends to build on any filled area, bore samples along with a structural engineer's report will be required prior to the issuance of a building permit.
3. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
4. Dirt tracked on the road must be cleaned on a daily basis and more often if necessary. The Town of Lancaster Police shall stop operation immediately upon complaint of dirty road. Driveway for hauling fill shall be stoned with #3 or #4 stone for 50', from the edge of Ransom Road.
5. Fill area shall be topsoiled and seeded.
6. Dumping will be allowed between the hours of 7 A.M. and 8 P.M. Monday through Saturday. No dumping shall be allowed on Sunday.
7. Dust from the site shall also be prevented from migrating off site.
8. The existing ditch shall be maintained to direct the flow of water to the rear of the property.

9. No fill material shall be placed in or near, within 15', of the existing ditch along the rear of the property.

**BE IT FURTHER**

**RESOLVED**, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

**BE IT FURTHER**

**RESOLVED**, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution** .

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

File: RPERMIT.DUM(23-24)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS, UNILAND DEVELOPMENT COMPANY**, (the "Applicant") with offices at 100 Corporate Parkway, Amherst, New York, has petitioned the Town Board of the Town of Lancaster (the "Town") with an application dated July 5, 2000 to amend the Zoning District Map and Zoning Ordinance of the Town to rezone approximately 128 acres of land located at the northwest corner of Walden Avenue and Pavement Road in the Town of Lancaster, County of Erie and State of New York, which hereinafter shall be referred to as the "Property", and

**WHEREAS**, the northerly (approximately) 112.43 acres of the property is presently zoned as AR-Agricultural Residential District and the southerly (approximately) 15.61 acres of the Property is currently zoned as RCO-Residential Commercial Office District, and

**WHEREAS**, such application to amend the Town's Zoning District Map and Zoning Ordinance is to rezone the Property to LI-Light Industrial District, which hereinafter shall be referred to as the "Action", and

**WHEREAS**, such application has been referred to the Planning Board of the Town for its review, recommendation and report, and in accordance with applicable provisions of the Town Law of the State of New York, and a public hearing on the proposed rezone of the Property was held on October 16, 2000 at Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, and

**WHEREAS**, notice was given as to such public hearing and published in the Lancaster Bee, a newspaper of general circulation in the Town on October 5, 2000, and also posted on the Town bulletin board and that notice of the Action and of such hearing has been referred to the Erie County Department of Environment and Planning pursuant to §239 (m) of the General Municipal Law, and

**WHEREAS**, the Town's Municipal Review Committee and the Town Board has undertaken a review of the application to rezone the Property in accordance with the ordinances of the Town and the New York State Department of Environmental Quality Review Act, and the regulations issued by the New York State Department of Environmental Conservation applicable thereto at NYCRR Part 617 et seq. (Collectively referred to as "SEQRA"), and

**WHEREAS**, after giving due consideration to the comments of the general public derived from the above-referenced public hearing, the recommendations of the Town's Planning Board with respect to such petition to rezone the Property and the negative declaration issued in accordance with the SEQRA, and

**WHEREAS**, the rezone of the Property is consistent with and in furtherance of the intent and objectives of the Town's Comprehensive Plan for land use and the Town's Zoning Code, and

**WHEREAS**, areas to the east and south of this site across Pavement Road and Walden Avenue are presently zoned and developed as LI-Light Industrial uses, and

**WHEREAS**, the Town Board is authorized and has jurisdiction with respect to all zoning matters within the boundaries of the Town of Lancaster;

**NOW, THEREFORE, BE IT  
RESOLVED, as follows:**

1. The Town's Zoning Ordinance and Zoning Map with respect to the real property located at the northwest corner of Walden Avenue and Pavement Road, more particularly described by metes and bounds in Schedule "A", attached hereto and made a part hereof, are hereby amended and changed from AR-Agricultural Residential and RCO-Residential Commercial Office District to LI-Light Industrial District, subject to the following conditions:

- A 25 ft. high berm on north and west sides shall be constructed and landscaped by developers as part of Phase I;
- Binder to be used in lieu of gravel in the back lot;
- All landscaping to be subject to approval of the Town Forestry Department;
- As each site is approved, appropriate drainage systems, including storm water detention, is to be approved by the Town;

2. This zoning approval shall take effect upon the filing of the Negative Declaration in accordance with the SEQRA and subsequent publication of this Notice of Adoption of the amendment to the Town Zoning Ordinance and Town Zoning District Map.

3. That the said ordinance amendment be added in the Minutes of the Town Board of the Town of Lancaster held on the 6th day of November, 2000.

4. That a certified copy thereof be published in the Lancaster Bee or other newspaper of general circulation and that affidavits of such publication be filed with the Town Clerk.

5. That a certified copy of this Resolution be delivered to the Erie County Department of Environment and Planning and the Town Attorney and Town Clerk are hereby directed to take any and all other actions necessary to comply with applicable law with regard to the amendment of the Zoning Ordinance and Zoning District Map of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

**SCHEDULE "A"**  
**LEGAL DESCRIPTION**  
**FOR**  
**UNILAND DEVELOPMENT REZONE**

**ZONE "RCO" TO "LI"**

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being parts of Lots 8 and 10, Section 5, Township 11 and Range 6 of the Holland Land Company's Survey, bounded and described as follows:

**BEGINNING** at a point in the easterly line of said Lot 8 in the center of Pavement Road (as a 66 foot wide road) at its point of intersection with the northerly line of Walden Avenue (as a 99 foot wide road);

**RUNNING THENCE** northerly along the easterly line of said Lot 8 also being the centerline of said Pavement Road, a distance of 255.51 feet to a point on the division line between Zone RCO and Zone AR;

**THENCE** westerly along said division line between Zone RCO and Zone AR and parallel with the northerly line of said Walden Avenue at an interior angle of  $78^{\circ}37'48''$ , a distance of 2,714.12 feet to a point on the west line of Lot 10;

**THENCE** southerly along the west line of Lot 10 at an interior angle of  $101^{\circ}29'59''$  a distance of 255.63 feet to a point on the northerly line of said Walden Avenue;

**THENCE** easterly along the northerly line of said Walden Avenue, at an interior angle of  $78^{\circ}30'01''$ , a distance of 2714.71 feet to the point and place of beginning.

**ZONE "AR" TO "LI"**

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being parts of Lots 9 and 10 in Section 5, Township 11 and Range 6 of the Holland Land Company's Survey, bounded and described as follows:

**BEGINNING** at a point in the easterly line of said Lot 8 in the center of Pavement Road (as a 66 foot wide road) at its point of intersection with the northerly line of Walden Avenue (as a 99 foot wide road);

**RUNNING THENCE** northerly along the easterly line of said Lot 8 also being the centerline of said Pavement Road, a distance of 255.51 feet to a point on the division line between Zone RCO and Zone AR, said point being the true point and place of beginning;

**THENCE** continuing northerly along the easterly line of said Lot 8, also being the centerline of said Pavement Road a distance of 1,668.39 feet to a point of intersection with the centerline of Pleasantview Road (as a 66 foot wide road)

**THENCE** westerly along the centerline of Pleasantview Road, a distance of 1,317.12 feet to a point on the west line of Lot 8 also being the east line of Lot 10;

**THENCE** continuing along the centerline of said Pleasantview Road at an interior angle of  $155^{\circ}36'54''$  a distance of 504.95 feet to a point;



**THENCE** southerly along a line at an exterior angle of  $111^{\circ}50'31''$  a distance of 290.49 feet to a point;

**THENCE** westerly along a line at an exterior angle of  $92^{\circ}41'09''$  a distance of 867.91 feet to a point on the west line of Lot 10;

**THENCE** southerly along the west line of Lot 10 at an interior angle of  $91^{\circ}11'02''$  a distance of 2,077.32 feet to a point on the division line between Zone RCO and AR;

**THENCE** easterly along the division line between Zone RCO and AR and parallel with the northerly line of Walden Avenue at an interior angle of  $101^{\circ}29'59''$  a distance of 2,714.12 feet to the True point and place of beginning.

**EXCEPTING AND RESERVING THEREFROM** lands conveyed to Iroquois Gas Corporation by deed recorded in Liber 7680 of Deeds at page 571.

**LEGAL NOTICE  
NOTICE OF ADOPTION OF AMENDMENT  
ZONING ORDINANCE, TOWN OF LANCASTER  
UNILAND DEVELOPMENT COMPANY  
NORTHWEST CORNER OF WALDEN AVENUE  
AND PAVEMENT ROAD , TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of said Town is hereby changed so that the real property hereinafter described is changed so that the real property hereinafter described is changed from an AR-Agricultural Residential District and RCO-Residential Commercial Office District to LI-Light Industrial District:

**ZONE "RCO" TO "LI"**

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being parts of Lots 8 and 10, Section 5, Township 11 and Range 6 of the Holland Land Company's Survey, bounded and described as follows:

**BEGINNING** at a point in the easterly line of said Lot 8 in the center of Pavement Road (as a 66 foot wide road) at its point of intersection with the northerly line of Walden Avenue (as a 99 foot wide road);

**RUNNING THENCE** northerly along the easterly line of said Lot 8 also being the centerline of said Pavement Road, a distance of 255.51 feet to a point on the division line between Zone RCO and Zone AR;

**THENCE** westerly along said division line between Zone RCO and Zone AR and parallel with the northerly line of said Walden Avenue at an interior angle of  $78^{\circ}37'48''$ , a distance of 2,714.12 feet to a point on the west line of Lot 10;

**THENCE** southerly along the west line of Lot 10 at an interior angle of  $101^{\circ}29'59''$  a distance of 255.63 feet to a point on the northerly line of said Walden Avenue;

**THENCE** easterly along the northerly line of said Walden Avenue, at an interior angle of  $78^{\circ}30'01''$ , a distance of 2714.71 feet to the point and place of beginning.

**ZONE "AR" TO "LI"**

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being parts of Lots 9 and 10 in Section 5, Township 11 and Range 6 of the Holland Land Company's Survey, bounded and described as follows:

**BEGINNING** at a point in the easterly line of said Lot 8 in the center of Pavement Road (as a 66 foot wide road) at its point of intersection with the northerly line of Walden Avenue (as a 99 foot wide road);

**RUNNING THENCE** northerly along the easterly line of said Lot 8 also being the centerline of said Pavement Road, a distance of 255.51 feet to a point on the division line between Zone RCO and Zone AR, said point being the true point and place of beginning;

**THENCE** continuing northerly along the easterly line of said Lot 8, also being the centerline of said Pavement Road a distance of 1,668.39 feet to a point of intersection with the centerline of Pleasantview Road (as a 66 foot wide road);

**THENCE** westerly along the centerline of Pleasantview Road, a distance of 1,317.12 feet to a point on the west line of Lot 8 also being the east line of Lot 10;

**THENCE** continuing along the centerline of said Pleasantview Road at an interior angle of 155°36'54" a distance of 504.95 feet to a point;

**THENCE** southerly along a line at an exterior angle of 111°50'31" a distance of 290.49 feet to a point;

**THENCE** westerly along a line at an exterior angle of 92°41'09" a distance of 867.91 feet to a point on the west line of Lot 10;

**THENCE** southerly along the west line of Lot 10 at an interior angle of 91°11'02" a distance of 2,077.32 feet to a point on the division line between Zone RCO and AR;

**THENCE** easterly along the division line between Zone RCO and AR and parallel with the northerly line of Walden Avenue at an interior angle of 101°29'59" a distance of 2,714.12 feet to the True point and place of beginning.

**EXCEPTING AND RESERVING THEREFROM** lands conveyed to Iroquois Gas Corporation by deed recorded in Liber 7680 of Deeds at page 571.

**This Rezone is subject to the following conditions:**


- A 25 ft. high berm on north and west sides shall be constructed and landscaped by developers as part of Phase I;
- Binder to be used in lieu of gravel in the back lot;
- All landscaping to be subject to approval of the Town Forestry Department;
- As each site is approved, appropriate drainage systems, including storm water detention, is to be approved by the Town;

November 6, 2000

STATE OF NEW YORK :  
COUNTY OF ERIE : ss:  
TOWN OF LANCASTER :

This is to certify that I, **JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of a Rezone-Uniland Development, with the original thereof filed in my office at Lancaster, New York on the 6th day of November, 2000, and that the same is a true and correct copy of said original, and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of this Town this 6th day of November, 2000.

  
Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York 14224, has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement within Summerfield Farms Subdivision, Phase I, within the Town of Lancaster, and

**WHEREAS**, the Town Engineer has inspected the improvement and has recommended the approval thereof, and

**WHEREAS**, the Town Attorney by letter to the Town Clerk dated November 2, 2000 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of these public improvements,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following completed Street Lighting Public Improvement within Summerfield Farms Subdivision, Phase I, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 519 - Street Lights

and,

**BE IT FURTHER**

**RESOLVED**, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

File: RPIP (P22)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, Pleasant View Associates, 2730 Transit Road, West Seneca, New York 14224, has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement within Stony Brook Subdivision, Phase IV(C), within the Town of Lancaster, and

**WHEREAS**, the Town Engineer has inspected the improvement and has recommended the approval thereof, and

**WHEREAS**, the Town Attorney by letter to the Town Clerk dated November 2, 2000 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of these public improvements,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following completed Street Lighting Public Improvement within Stony Brook Subdivision, Phase IV(C), be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 521 - Street Lights

and,

**BE IT FURTHER**

**RESOLVED**, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLLETTERIE	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

File: RPIP (P23)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York 14224, has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement within Trentwood Trail Subdivision, Phase II, within the Town of Lancaster, and

**WHEREAS**, the Town Engineer has inspected the improvement and has recommended the approval thereof, and

**WHEREAS**, the Town Attorney by letter to the Town Clerk dated November 2, 2000 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of these public improvements,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following completed Street Lighting Public Improvement within Trentwood Trail Subdivision, Phase II, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 520 - Street Lights

and,

**BE IT FURTHER**

**RESOLVED**, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

File: RPIP (P24)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered  
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by  
the Director of Administration and Finance, to wit:

Claim No. 4829 to Claim No. 5125 Inclusive

Total amount hereby authorized to be paid: \$1,088,085.68

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

File: Rclams

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCIL MEMBER STEMPNIAK, WHO  
 MOVED ITS ADOPTION, SECONDED BY  
 COUNCIL MEMBER MONTOUR TO WIT:

**RESOLVED** that the following Building Permit Applications be and are hereby  
 approved and the issuance of these Building Permits be and are hereby authorized:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived  
 for this permit.

(CSW) = Conditional sidewalk waiver.

**NEW PERMITS:**

Pmt #	SW	Applicant Name	Address	Structure
7416		O'Neil, George	8 Spring Way	Er. Patio Home
7417		Allen, Clifton	1290 Penora St	Er. Garage
7418		Schilling, Glenn	6711 Transit Rd	Er. Temp Sign
7419		Transit French Assoc	4779 Transit Rd	Er. Temp. Sign
7420		Malik, Richard	496 Lake Ave	Res. Addition
7421		Hutter, Edward	5531 Genesee St	Dem. Building
7422		Silva, Ismael	1 Caladium Ct	Er. Shed
7423		Donato Homes Inc	129 Theresa Dr	Er. Sin. Dwlg
7424		Glenhollow Assoc	12 Cobblestone Ct	Er. Sin. Dwlg
7425		Ederer, David	262 Enchanted Forest N	Er. Shed
7426		Pleasantview Assoc Inc	6 Westbury Ln	Er. Sin. Dwlg
7427		Friedrich, Paul	20 Regency Ct	Er. Deck
7428		Altheide, Roy	220 Peppermint Rd	Er. Garage
7429		Forbes Homes	46 Quail Run Ln	Er. Sin. Dwlg
7430		Quigley, Michael	44 Whitestone Ln	Er. Shed
7431		Lewandowski, Mark	495 Erie St	Er. Com. Bldg
7432		Sierk, Steven	14 Candlestick Ct	Er. Sin. Dwlg
7433		Ciezki, Tom	72 Taft Ave	Er. Fence
7434		Hanford, Gerold	434 Schwartz Rd	Er. Barn
7435		Ekey, Donald	5733 Genesee St	Er. Garage
7436		Buza, Geoffrey	18 Quail Run Ln	Er. Shed
7437		Ball, Allen	3 Schiffler Ct	Er. Shed
7438		Town of Lancaster IDA	6615 Transit Rd	Com. Addition
7439		Schultz, Thomas	6 Chapin Cir	Er. Shed
7440		Hora, Bruce	73 Stony Brook Dr	Er. Shed
7441		Hora, Bruce	73 Stony Brook Dr	Er. Fence
7442		English Park Village LLC	338 Harris Hill Rd	Er. Sign
7443		Wilson, Cleophas	850 Ransom Rd	Er. Fence
7444		Miner, George	2753 Wehrle Dr	Com. Addition
7445		Donato Homes	222 Nathan's Trl	Er. Sin. Dwlg
7446		Marrano/Marc Equity	10 Farmview Ct	Er. Sin. Dwlg



7447	Belcher, William	6 Lucia Ct	Er. Pool
7448	Belcher, William	6 Lucia Ct	Er. Fence
7449	RJF Development	48 Creekwood Dr	Er. Sin. Dwlg
7450	Pleasantview Assoc	55 Stony Brook Dr	Er. Sin. Dwlg
7451	Pennell, Mark	756N Aurora St	Er. Pole Barn
7452	Marrano/Marc Equity	75 Stony Brook Dr	Er. Shed
7453	Converse, Mitch	245 Westwood Rd	Er. Sin. Dwlg
7454	Converse, Mitch	245 Westwood Rd	Er. Pole Barn
7455	Krystyniak, Brian	370 Townline Rd	Er. Shed
7456	Woloszyn, Edmund	75 Markey Ave	Er. Garage
7457	Juke, Frank	129 Seneca Pl	Er. Shed
7458	Windor Ridge Ptnrs	7 Sussex Ln	Er. Sin. Dwlg
7459	Polanski, Kenneth	3752 Bowen Rd	Er. Shed

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

November 6, 2000

File:Rbldg2

## COMMUNICATIONS & REPORTS:

771. Town Engineer to Town Board -  
Recommend acceptance of P.I.P. No. 519 for street lighting for Summerfield Farms Subdivision, Phase 1. DISPOSITION = Resolution 11/16/2000
772. Lancaster Village Fire Chief to Robert Mac Peek -  
Anticipates a need for an all terrain vehicle for use by all emergency services within the Village of Lancaster Fire Department and supports the request by the Town of Lancaster Office of Emergency Management to purchase such a vehicle. DISPOSITION = Public Safety Committee
773. Twin District Fire Company Fire Chief to Robert Mac Peek -  
Transmittal of support from Twin District VFC in efforts to obtain an ARGO all terrain vehicle. DISPOSITION = Public Safety Committee
774. Bowmansville Vol. Fire Association Fire Chief to Town Board -  
Transmittal of support from Bowmansville Vol. Fire Association in request by Town of Lancaster Emergency Management Team to obtain an ARGO all terrain vehicle. DISPOSITION = Public Safety Committee
775. Town Line Fire Department, Inc. to Robert Mac Peek -  
Transmittal of support from the Town Line Fire Department in request by Town of Lancaster Emergency Management Team to obtain an Argo all terrain vehicle. DISPOSITION = Public Safety Committee
776. Millgrove Vol. Fire Department to Robert Mac Peek -  
Transmittal of support from the Millgrove Fire Department in request by Town of Lancaster Emergency Management Team to obtain an Argo all terrain vehicle. DISPOSITION = Public Safety Committee
777. Various residents of Parkdale Drive and Broadway to Town Board -  
Request answer to request for a super majority vote as petitioned August 2000 re: rezone request of Ferry Builders, Inc. DISPOSITION = Received and Filed
778. Commonwealth Cultural Resources Group, Inc. to Uniland Development Corporation -  
Comments after a Stage 218 archaeological investigation re: proposed Walden Commerce Center. DISPOSITION = Planning Committee
779. Erie County Division of Budget, Management and Finance to Supervisor/Budget Director -  
Notification of deadline for delivery of 2001 Budget with a summary to County of Erie before November 21, 2000. DISPOSITION = Budget Director
780. Erie County Division of Planning to Town of Lancaster -  
Transmittal of Negative Declaration re: Lancaster-Alden Agricultural District recertification with modification. DISPOSITION = Planning Committee
781. NYS Dept. of Public Service to Supervisor -  
Temporary Operating Authority is granted to Parnassos, LP for providing cable television services during negotiation of the franchise renewal. DISPOSITION = Town Attorney
782. Erie County Clerk's Office to Town of Lancaster -  
Transmittal of adopted resolution re: recertification of Lancaster-Alden Agricultural District. DISPOSITION = Planning Committee
783. Erie County Dept. of Senior Services to Town Board -  
Notification of four meetings to be held to provide information re: the Home Energy Assistance program. DISPOSITION = General Crew Chief
784. Town of Clarence to Town of Lancaster -  
Request comments re: solicitation for Lead Agency Status for Wehrle Business Park project. DISPOSITION = Received and Filed

785. Rebecca Baynes to Town Engineer, Town Board -  
Request denial of petition for dumping permit requested by owner at 1346 Town Line Road. DISPOSITION = Planning Committee, Town Engineer
786. Executive Director Youth Bureau to Town Board -  
Recommend permanent appointment of Jennifer Candino to the vacant position of Youth Counselor. DISPOSITION = Resolution 11/6/2000
787. Town Clerk to Zoning Board, Building Inspector, Deputy Town Attorney -  
Transmittal of variance petitions for meeting to be held November 9, 2000. DISPOSITION = Received and Filed
788. Ferry Builders, Inc. to Town Board -  
Request application for rezone of 5733 and 5755 Broadway be withdrawn. DISPOSITION = Town Attorney, Planning Committee
789. Town Clerk to Town Board -  
Transmittal of renewal application for Ransom Auto Parts License To Operate a Salvage Yard with a request of authorization for issuance of this license. DISPOSITION = Town Attorney, Police Chief, Building Inspector
790. NYS Board of Real Property Services to Supervisor -  
Notification of establishment of a final State Equalization Rate of 84.37 for Town of Lancaster. DISPOSITION = Received and Filed
791. James Len, Jr to Town Clerk -  
Notification of resignation from the Town of Lancaster Parks, Recreation & Forestry Department effective October 27, 2000. DISPOSITION = Received and Filed
792. Town of Amherst Town Attorney to Erie County PHA Consortium Members -  
Request comments re: recommendations by Belmont Shelter re: Section 8 Renters Assistance program. DISPOSITION = Town Attorney
793. Planning Board Chairman to Planning Board Members, Town Board Members, Town Engineer, Deputy Town Attorney & Building Inspector -  
Enclosure of draft copy of minutes from meeting held 10/18/2000. DISPOSITION = Received and Filed
794. Erie County Dept. of Parks, Recreation and Forestry to Bissell, Stone Associates -  
Notification of one concern and one request re: Buttercup Park Subdivision. DISPOSITION = Planning Committee
795. Town Engineer to Town Board -  
Recommend issuance of P.I.P. No. 520 for street lighting for Trentwood Trail Phase II. DISPOSITION = Resolution 11/6/2000
796. Town Engineer to Town Board -  
Recommend issuance of P.I.P. No. 521 for street lighting for Stony Brook Phase IV(c). DISPOSITION = Resolution 11/6/2000
797. Town Clerk to Town Board -  
Transmittal of renewal application of AJ's Auto Wrecking for a license to conduct a salvage yard. DISPOSITION = Police Chief, Town Attorney, Building Inspector
798. General Crew Chief to Supervisor -  
Seeks permission to request a proposal from contractors to perform removal of trees, removal of stumps and trimming of trees on Parkdale & Glendale Drives. DISPOSITION = Town Attorney
799. AMF Bowling Centers, Inc. to Town Clerk -  
Notification of intent to renew liquor license at 4913 Transit Road. DISPOSITION = Received and Filed
800. Town Clerk to Town Board -  
Transmittal of renewal application of Ed Henning Inc. for a license to conduct a salvage yard. DISPOSITION = Police Chief, Town Attorney, Building Inspector

801. Town Clerk to Town Board -  
Transmittal of renewal application of Advantage Trucks & Salvage Inc. for a license to conduct a salvage yard. DISPOSITION = Police Chief, Town Attorney, Building Inspector
802. Town Clerk to Supervisor -  
Transmittal of Clerk's Monthly Report for the month of October, 2000. DISPOSITION = Received and Filed
803. Town Engineer & Building Inspector to Town Board  
Recommend issuance of dumping permit for Anthony Batog, 540 Ransom Road. DISPOSITION = Resolution 11/6/2000
804. Town Engineer & Building Inspector to Town Board  
Recommend issuance of dumping permit for Timothy Langiewicz, 1346 Town Line Road. DISPOSITION = Town Engineer, Building Inspector
805. Town of Amherst Town Attorney to Erie County PHA Consortium Members -  
This is a duplicate of #792 except it also contains a copy of the Proposal to Amend Administrative Plan. DISPOSITION = Received and Filed
806. NYS Dept. of Environmental Conservation to New Yorker -  
Notification of completion of the final NYS Solid Waste Management Plan 1999/2000 Update. DISPOSITION = Received and Filed
807. George Malesic to Supervisor -  
Comments/suggestions re: increasing the tax base. DISPOSITION = Building Inspector
808. Community Planning Director, Erie County Dept. of Environment and Planning to Supervisor -  
Advisement that all available funds budgeted for income surveys through March 31, 2001 have been expended. DISPOSITION = Received and Filed
809. Mayor, Village of Lancaster to Town Board -  
Proposal for the merger of the Village of Lancaster and Town of Lancaster Building Departments. DISPOSITION = Municipal, School Liason Committee

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER STEMPNIAK AND SECONDED BY  
THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 10:30 P.M.**

Signed   
Johanna M. Coleman, Town Clerk